

EXHIBIT “B”

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

Case No. 9:23-cv-81281-DMM

CHRISTOPHER SADOWSKI,

Plaintiff,

v.

UNLAWFUL THREADS LLC,

Defendant.

DECLARATION OF DANIEL DESOUZA

Daniel DeSouza does hereby declare pursuant to 28 U.S.C. § 1746:

1. I submit this declaration in support of plaintiff Christopher Sadowski's ("Plaintiff") Motion for Default Final Judgment against defendant Unlawful Threads LLC ("Defendant"). This declaration and the facts stated herein are based upon my personal knowledge.

2. I have been a member in good standing of the New York Bar since 2005 and the Florida Bar since 2006. I am one of two principal shareholders of the law firm CopyCat Legal PLLC ("CopyCat Legal"), which has provided legal services to Plaintiff in this action throughout the pendency of this action.

3. I am a 2004 graduate of the George Washington University Law School. I have been a member in good standing of the New York Bar since 2005, the District of Columbia Bar since 2005, and the Florida Bar since 2006. I am likewise admitted to several federal courts throughout the country, including: (a) the United States Court of Appeals for the Eleventh Circuit; (b) the United States Court of Appeals for the Eighth Circuit; (c) the United States Court of Appeals for the Tenth Circuit; (d) the United States District Court for the Southern District of

Florida; (e) the United States District Court for the Middle District of Florida; (f) the United States District Court for the Northern District of Florida; (g) the United States District Court for the Southern District of Texas; (h) the United States District Court for the Eastern District of Texas; (i) the United States District Court for the Southern District of New York; (j) the United States District Court for the Eastern District of New York; (k) the United States District Court for the Northern District of New York; (l) the United States District Court for the Western District of Arkansas; (m) the United States District Court for the District of Nebraska; (n) the United States District Court for the District of New Mexico; (o) the United States District Court for the District of Colorado; (p) the United States District Court for the Eastern District of Michigan; (q) the United States District Court for the Western District of Michigan; (r) the United States District Court for the Northern District of Illinois; (s) the United States District Court for the District of Maryland; (t) the United States District Court for the Western District of Texas; (u) the United States District Court for the Eastern District of Missouri; (v) the United States District Court for the District of Columbia; (w) the United States District Court for the Western District of Pennsylvania; and (x) the United States District Court for the Eastern District of Oklahoma. I previously worked at Milbank, Tweed, Hadley & McCloy LLP (from 2004 – 2010) and Becker & Poliakoff, PA (from 2010 – 2014) before forming DeSouza Law, P.A. in 2014 and CopyCat Legal in 2019.

4. Since 2004, my practice has principally focused on business/complex commercial and intellectual property litigation. During that time, I have served as counsel of record in dozens of copyright infringement, trade secret, and trademark infringement lawsuits. In total, I have served as counsel of record in approximately 400 federal civil and/or bankruptcy actions and 250+ state court lawsuits in Florida/New York.

5. In addition to myself, a first-year associate (Meghan Medacier) also billed time on this matter. She is a 2021 graduate of The University of Florida Levin College of Law, where she served on law review. She previously worked at Cole, Scott & Kissane, P.A. prior to joining CopyCat Legal in 2023. She is admitted to the Florida Bar, the United States District Court for the Southern District of Florida, the United States District Court for the Middle District of Florida, and the United States District Court for the District of Colorado.

6. The purpose of this declaration is to memorialize the fees for legal services, costs, and expenses provided by CopyCat Legal in the above-captioned case through the present date.

7. CopyCat Legal establishes standard hourly rates for services provided by its attorneys. These rates are within the range charged by other lawyers in South Florida and are fair and reasonable rates for this type of work.

8. I am familiar with the services provided to Plaintiff in this action and the rates charged for such work.

9. The attorneys and paralegals at CopyCat Legal record the time spent on matters contemporaneously on electronic billing software/time sheets. Each time entry includes the date the work is performed, the client and matter numbers, the time spent, and a brief description of the nature of the work performed.

10. Through the present date, I expended 1.90 hours of attorney time in prosecuting this matter on Plaintiff's behalf, our associate attorney (Meghan Medacier) expended 6.55 hours of attorney time in prosecuting this matter on Plaintiff's behalf, and our paralegal (Denise Sosa) expended .90 hours of time in prosecuting this matter on Plaintiff's behalf. This includes the time spent to investigate the alleged infringement, drafting an initial notice letter to Defendant, drafting the Complaint in this matter, attempting service, drafting the Motion for Clerk's Default, drafting

the Motion for Entry of Default Judgment, and drafting the exhibits/supporting declarations for such motion. All of these time entries are reflected in CopyCat Legal's billing records that are being provided in connection herewith as **Exhibit "1."**

11. My billable rate for copyright/intellectual property matters at CopyCat Legal is \$450.00 per hour; the rate for an associate attorney is \$325.00 per hour, and the rate for paralegals is \$125.00 per hour. This rate is within the range constituting the "forum rate" generally applied by courts in the Eastern District of New York/Southern District of New York for attorneys of similar experience. See Farrington v. Jewish Voice Inc., No. 21-CV-1575 (NGG) (AYS), 2022 U.S. Dist. LEXIS 21812, at *15 (E.D.N.Y. Feb. 7, 2022) ("In copyright cases, courts in this district have approved rates between \$350 and \$500"); Pyatt v. Raymond, 2012 U.S. Dist. LEXIS 58879, at *16 (S.D.N.Y. Apr. 25, 2012) (collecting cases approving \$400 to \$650 hourly rates for partners in copyright and trademark cases); Bass v. Diversity Inc. Media, No. 19-cv-2261 (AJN), 2020 U.S. Dist. LEXIS 93318, at *14 (S.D.N.Y. May 28, 2020) ("A review of cases in this District and in the Eastern District of New York suggests that courts have approved associate rates of \$350 and up to \$500 for partners in copyright cases."); Tetra Images, LLC v. Grahall Partners, LLC, No. 19-CV-05250 (PMH), 2021 U.S. Dist. LEXIS 125809, at *10-11 (S.D.N.Y. July 6, 2021) (in copyright infringement case, finding \$475.00 hourly rate for managing partner in Florida and \$450.00 hourly rate for partner in New York office to be reasonable); McLaughlin v. IDT Energy, No. 14 CV 4107 (ENV)(RML), 2018 U.S. Dist. LEXIS 128347, at *51-53 (E.D.N.Y. July 30, 2018) (finding award of rates typical to the Eastern District and noted to be: "\$550 for partners/equity owners with more than thirty years of experience, \$500 for partners/equity owners with more than fifteen years of experience, \$450 for partners/equity owners with more than ten years of experience, \$400 for senior associates/associates with more than ten years of experience,

\$350 for senior associates/associates with six to nine years of experience, \$300 for associates with three to five years of experience, \$250 for associates with fewer than three years of experience”); Schwartz v. United States DEA, No. 13-CV-5004 (CBA) (ST), 2019 U.S. Dist. LEXIS 34165, at *26-27 (E.D.N.Y. Mar. 1, 2019) (awarding \$500 hourly fee to partner litigating FOIA litigation, and listing awards of between \$500 and \$655 per hour for partners handling complex litigation); Nat'l Env'tl. Saf. Co. v. Katz, No. 18-cv-02161 (JMA) (GRB), 2019 U.S. Dist. LEXIS 76044, at *5 (E.D.N.Y. May 6, 2019) (award based upon \$500-\$600 hourly rate to partners and \$300 hourly rate for associates litigating breach of contract case).

12. Further, the hourly rates for both myself and for CopyCat Legal's paralegals have previously been found to be reasonable by multiple federal courts. See, e.g., Sadowski v. Orion Healthcare Servs., Inc., No. 21-24475-CV-WILLIAMS, 2023 U.S. Dist. LEXIS 47811, at *2 (S.D. Fla. Mar. 21, 2023) (rejecting report and recommendation that undersigned counsel be awarded fees at \$385.00 per hour and instead finding that \$450.00 per hour was reasonable rate for undersigned counsel); Markos v. The Big and Wild Outdoors LLC, No. 8:22-cv-1258-KKM-AEP, 2023 U.S. Dist. LEXIS 32023, at *25 (M.D. Fla. Feb. 24, 2023) (recommending that undersigned counsel be awarded \$450.00 per hour as reasonable hourly rate) (report and recommendation adopted at 2023 U.S. Dist. LEXIS 43151); Sadowski v. Diverse New Media Corp., No. 22-61380-CIV, 2023 U.S. Dist. LEXIS 21791, at *20-21 (S.D. Fla. Jan. 13, 2023) (“The Court further finds that \$450.00 is a reasonable hourly rate for Plaintiff's counsel (Daniel DeSouza), that \$300.00 is a reasonable hourly rate for the junior associate attorney [Lauren Hausman], and that \$125.00 is a reasonable hourly rate for the paralegal in this action given the complexity of the matter, the results obtained, and the experience of Plaintiffs' counsel which the Court found to be substantial.”); Prepared Foods Photos, Inc. v. Patriot Fine Foods LLC, No. 21-82129-CV, 2022 U.S. Dist. LEXIS

205649, at *11 – 12 (S.D. Fla. Mar. 22, 2022) (“In light of counsel’s experience (*see id.* ¶¶ 2–5), and the prevailing market rates, and Defendant’s failure to oppose the reasonableness of the rate, I find that the proposed hourly rate of \$450 is reasonable based upon the facts and circumstances of this case, including Defendant’s default.”); Afford. Aerial Photography, Inc. v. Elegance Transp., Inc., No. 6:21-cv-1166-CEM-LHP, 2022 U.S. Dist. LEXIS 32586, at *29 (M.D. Fla. Feb. 23, 2022) (finding undersigned counsel’s \$450.00 hourly rate and Ms. Thomas’ \$125.00 hourly rate to be reasonable in copyright infringement case); Temurian v. Piccolo, No. 18-CV-62737-SMITH/VALLE, 2021 U.S. Dist. LEXIS 63144, at *6 (S.D. Fla. Mar. 30, 2021) (in commercial litigation case, finding undersigned counsel’s \$400.00 hourly rate reasonable for work performed from 2018 – 2020). Additionally, the rate for CopyCat Legal’s junior associate attorney has previously been found reasonable. See Harrington v Vintage Ways, No. 1:22-CV-0971-TWT (N.D. Ga.) (“The Court further finds . . . that \$300.00 is a reasonable hourly rate for the junior associate attorney . . . given the complexity of the matter, the results obtained, and the experience of Plaintiffs’ counsel which the Court found to be substantial.”).

13. I am familiar with the lodestar method of determining the reasonableness of attorneys' fees. “The ‘lodestar method’ is the accepted analysis for determining a reasonable fee amount for a prevailing party in federal court.” Kerner v. City & Cty. of Denver, 733 F. App'x 934, 936 (10th Cir. 2018); See Gisbrecht v. Barnhart, 535 U.S. 789, 801-02, 122 S. Ct. 1817, 152 L. Ed. 2d 996 (2002). The above-described fees are reasonable for the services provided to Plaintiff.

14. In addition, CopyCat Legal incurred \$442.00 in actual costs on Plaintiff’s behalf in connection with pursuing this lawsuit, all of which is properly taxable. This includes \$402.00 in filing fees and \$40.00 for service of process on Defendant. Invoices for such are attached hereto as **Exhibit “1.”**

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: November 20, 2023.

/s/ Daniel DeSouza
Daniel DeSouza

EXHIBIT “1”

Copycat Legal PLLC
 3111 N University Drive
 Suite 310
 Coral Springs, FL 33065
 877-437-6228



Christopher Sadowski
 96 9th Avenue
 Hawthorne, NJ 07506
 United States

Balance \$3,538.25
Invoice # 00172
Invoice Date November 20, 2023
Payment Terms
Due Date

**Christopher Sadowski v Unlawful
 Threads LLC (Case no 290)**

Time Entries

DATE	EE	ACTIVITY	DESCRIPTION	RATE	HOURS	LINE TOTAL
06/08/2023	DD	Time	Draft and sent demand package.	\$450.00	1.10	\$495.00
06/22/2023	DS	Time	Follow up correspondence sent to infringer.	\$125.00	0.10	\$12.50
06/29/2023	DS	Time	Follow up correspondence sent to infringer.	\$125.00	0.10	\$12.50
07/07/2023	DS	Time	Follow up correspondence sent to infringer.	\$125.00	0.10	\$12.50
07/14/2023	DS	Time	Follow up correspondence sent to infringer.	\$125.00	0.10	\$12.50
07/26/2023	MM	Time	Drafted Complaint for supervising attorney's review.	\$325.00	2.10	\$682.50
08/02/2023	DD	Time	Reviewed and edited draft Complaint.	\$450.00	0.40	\$180.00
09/15/2023	MM	Time	Incorporated supervising attorney's edits and filed Complaint, Summons, and Cover Sheet.	\$325.00	0.25	\$81.25
09/18/2023	DS	Time	Sent summons to process server.	\$125.00	0.10	\$12.50
10/06/2023	DS	Time	Follow up with process server.	\$125.00	0.10	\$12.50
10/11/2023	MM	Time	Exchange of email with Defendant's prospective attorney regarding motion of extension of time to respond to the Complaint.	\$325.00	0.20	\$65.00
10/13/2023	DS	Time	Follow up email to process server regarding the return of service.	\$125.00	0.10	\$12.50
10/16/2023	DS	Time	Filed return of non-service.	\$125.00	0.10	\$12.50
10/23/2023	DS	Time	Filed agreed Motion for Extension of Time to respond to the Complaint.	\$125.00	0.10	\$12.50
10/23/2023	MM	Time	Exchange of emails with defendant regarding Court's Order and whether it has retained counsel.	\$325.00	0.40	\$130.00

10/27/2023	MM	Time	Call with defendant regarding whether counsel retained and the hearing scheduled for the same day.	\$325.00	0.20	\$65.00
10/27/2023	MM	Time	Scheduling conference with Magistrate Judge Matthewman.	\$325.00	0.10	\$32.50
11/01/2023	MM	Time	Drafted and filed Motion for Clerk's Default.	\$325.00	0.20	\$65.00
11/16/2023	MM	Time	Drafted motion for default judgment, proposed order for motion for default judgement, and accompanying declarations.	\$325.00	2.80	\$910.00
11/20/2023	DD	Time	Reviewed default motion, order, and declarations.	\$450.00	0.40	\$180.00
11/20/2023	MM	Time	Incorporated edits and filed motion, proposed order, and declarations.	\$325.00	0.30	\$97.50
				Totals:	9.35	\$3,096.25

Expenses

DATE	EE	ACTIVITY	DESCRIPTION	COST	QUANTITY	LINE TOTAL
09/15/2023	DS	Complaint Filing Fee		\$402.00	1.0	\$402.00
10/16/2023	DS	Process Server	We Serve Process (Inv.#00289)	\$40.00	1.0	\$40.00
				Expense Total:		\$442.00

Time Entry Sub-Total:	\$3,096.25
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Expense Sub-Total:	\$442.00
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Sub-Total:	\$3,538.25
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Total:	\$3,538.25
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Amount Paid:	\$0.00
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BALANCE DUE:	\$3,538.25
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We Serve Process LLC6333 Blue Bay Circle
Lake Worth, Florida 33467

(561) 305-6470 (w)

FEIN: 82-3965012

INVOICE

INVOICE # PS-2023-000289

DATE: October 16, 2023

CLIENT BILLED:Meghan Medacier, Esq.
COPYCAT LEGAL PLLC
3111 N. University Drive, Suite 301
Coral Springs, Florida 33065

(877) 437-6228

CASE INFORMATION:

9:23-cv-81281-DMM

Plaintiff: Christopher Sadowski

Defendant: Unlawful Threads LLC

Received: 9/19/2023 Completed: 9/30/2023

To be Served on: UNLAWFUL THREADS LLC c/o

Timothy M. Lawler (Registered Agent)

CLIENT REFERENCE NUMBER	REQUISITIONER	TERMS
MM-CL-DS-091923	Denise Sosa	Due on September 30, 2023

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL
1	Service Fee (Local)	\$40.00	\$40.00

PAYMENTS	DATE	CHECK NO.	AMOUNT
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SUBTOTAL	\$40.00
SALES TAX	\$0.00
RETAINER PAID	\$0.00
TOTAL DUE	\$40.00

LOCATION OF PRIMARY SERVICE ATTEMPT(S):

10622 Pebble Cove Lane, Boca Raton , Florida 33498

Make all checks payable to We Serve Process LLC.

Please enclose a copy of this Invoice with your payment.

Payment of this Invoice is not contingent upon reimbursement from your client.

If you have any questions concerning this Invoice, please contact:

Gerrard T. Queen AP, We Serve Process LLC, 561-305-6470, gqueen@weserveprocessfl.com

Thank You for Your Business!

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